



U.S. Department
of Transportation

1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

7/2/2019

FOIA Control No: 2014-0164

Transmitted via Electronic Mail to rebecca@pstrust.org – Read Receipt Requested

Rebecca Craven
Pipeline Safety Trust
300 N. Commercial St., Suite B
Bellingham, WA 98225

Dear Ms. Craven:

This letter is in final response to your Freedom of Information Act (FOIA) request dated 9/23/2014 and received in the Pipeline and Hazardous Materials Safety Administration's (PHMSA's) FOIA Office on the same date. You requested records regarding CPF Nos. 4-2013-5027 (Exxon Mobil Pegasus Pipeline) and 5-2013-5007 (Exxon Mobil Silvertip Pipeline). On 4/7/2017, in addition to the Safety Violation Reports, you modified your request to the following: CPF No. 4-2013-5027 Pre-hearing Brief Exhibits 1, 2, 6, 7, 53, 55, 56; NOPV Exhibits 18, 19; and Post-hearing Brief Exhibit 58.

To date, we have provided you with four responses totaling 708 pages. Attached, please find our fifth and final response to your request which consists of Exhibits 1 and 2 to the Pre-hearing Brief (10 pages) we are releasing to you in full. We are withholding Exhibits 6 and 7 to the Pre-hearing Brief, Exhibits 18 and 19 to the NOPV, and Exhibit 58 to the Post-hearing Brief in full (22 pages) under FOIA Exemption 4 because Exxon Mobil informed us that the records are manuals or forms that the company claims are confidential commercial information the release of which would put it at a competitive disadvantage. Exxon Mobil informed PHMSA that the information contained in the five exhibits is unique to its business operations and over the years it has consistently maintained the information as proprietary and has not publicly released it. Thus, PHMSA has applied FOIA Exemption 4, 5 U.S.C. § 552(b)(4) to the five exhibits we are withholding in full. Additionally, PHMSA did not locate copies of Exhibits 53, 55, or 56 to the Pre-hearing Brief because Exxon Mobil incorporated them by reference and copies of these records are not maintained in PHMSA's files.

Because PHMSA withheld five exhibits under FOIA Exemption 4 and because we did not locate three exhibits, you may consider this determination a denial of your record request and file an appeal. *See* Department of Transportation's FOIA Regulations, 49 C.F.R. § 7.31(a)(3). I am the official responsible for this determination.

If you choose to appeal, your appeal must be made in writing and postmarked or transmitted within ninety calendar days from the date of this letter. In order to be considered an official appeal, it must be addressed as follows:

Howard R. Elliott
Administrator, Pipeline and Hazardous Materials Safety Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Both the appeal and the envelope should be plainly marked "FOIA APPEAL." Please make reference to your assigned FOIA Reference Number **2014-0164** so that we may identify your case promptly. In addition, you should include all information and arguments that form the basis of your appeal. For more information on your right to an administrative appeal, refer to the Department's FOIA regulations, 49 C.F.R. § 7.32(d).

Furthermore, the 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation, nor does it affect the timing of filing an appeal. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road - OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <https://ogis.archives.gov>
Telephone: 202-741-5770
Fax: 202-741-5769
Toll-free: 1-877-684-6448

This concludes our response to your request. If you have any questions about this response, you may contact Madeline Van Nostrand, FOIA Officer, by phone at 202-366-0273 or by email to PHMSA.FOIA@dot.gov. You also may seek the services of our FOIA Public Liaison, Darius Kirkwood, by phone at 202-366-4831 or by email to phmsapublicaffairs@dot.gov.

Sincerely,

MADELINE M VAN NOSTRAND

Digitally signed by MADELINE M VAN NOSTRAND
Date: 2019.07.02 14:47:53 -04'00'

FOIA Officer
Pipeline and Hazardous Materials Safety Administration (PHMSA)